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10/536,874	05/27/2005	Masahiro Odaira	00862.108809.	8304

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EXAMINER
JOO, JOSHUA

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

		Application No.	Applicant(s)
Office Action Summary		10/536,874	ODAIRA ET AL.
		Examiner	Art Unit
		JOSHUA JOO	2454
-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --			

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>29 January 2009</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>20-23</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>20-23</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>5/27/05</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>1/29/09</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

Detailed Action

1.   This Office action is in response to Applicant's communication filed on 01/29/2009.

       Claims 20-23 are pending for examination.

Response to Arguments

2.   Applicant's arguments with respect to claims 20-23 have been considered but are moot in view of

the new ground(s) of rejection.   New ground(s) of rejection are necessitated by Applicant's amendment.

Information Disclosure Statement

3.   The information disclosure statement (IDS) submitted 01/29/2009 is in compliance with the

provisions of 37 CFR 1.97. Accordingly, the IDS is being considered by the Examiner.

Claim Rejections - 35 USC § 101

4.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or
> any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and
> requirements of this title.

5.   Claims 20-21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-

statutory subject matter.

       Applicant is seeking to patent a data processing apparatus comprising of units.   Applicant intends

for the invention to be implemented by a program (page 20, lines 7-15), and the units may reasonably be

interpreted as software.   Furthermore, the claimed apparatus does not comprise any functional hardware.

Therefore, the claimed apparatus is directed to only software.   Software does not meet one of the four

categories of invention and is not statutory.   Specifically, software is not a series of steps or acts and thus

is not a process.   Software is not a physical article or object and as such is not a machine or manufacture.

Software is not a combination of substances and therefore not a composition of matter.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

7.   Claims 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hidaka et al. US

Publication #2004/0243648 (Hidaka hereinafter), in view of Hashimoto et al. US Publication

#2002/0012453 (Hashimoto hereinafter) and Kobayashi et al. US Publication #2004/0083260 (Kobayashi

hereinafter).

8.   As per claim 1, Hidaka teaches substantially the invention as claimed including a data processing

apparatus for output-processing image data for respective pages, comprising:

a page data management unit constructed to:

create page management records corresponding to respective page of RAW image data from

plural pages scanned by an image reader (Paragraphs 0228; 0289 . Scan document with plurality of

pages. "sheet being left". Paragraphs 0181; 0289; 0297; 0493. Management data of stored image files.),

generate a first type of page data for management for one page of the RAW image data and a

second type of page data for management for image data generated by encoding said one page of the

RAW image data, in the respective of the page management records (Paragraph 0270. Receive scan data

to the format of a TIFF file. Paragraph 0246. Also compress scan data into JPEG.);

manage respective output processes by a first output unit and a second output unit referring to the

created page management records (Paragraphs 0026; 0210. Print scan data. Paragraph 0493. Output

management information to terminal.), and

a control unit constructed to:

monitor the completion of storing the RAW image data scanned by the image reader in a memory (Paragraph 0237. Execute step upon receiving scan data.),

encode the RAW image data in response to completion of storing (Paragraph 0246. Compress scan data into JPEG.).

9.   Hidaka does not explicitly teach units constructed to delete the first type of page data from the corresponding page management record in response to completion of the references by both the first and second output units to the first type of page data, and determine whether or not image data resulting from encoding the RAW image data exists, wherein if the resultant image data does not exist, the control unit controls the first output unit to output the RAW image data, wherein if the resultant image data does exist, the control unit decodes the resultant image data into RAW image data, and controls the first output unit to output the decoded RAW image data, and wherein if the second output unit is not referring to the RAW image data of which the output unit completes an output, the control unit deletes the RAW image data of which the first output unit completes the output

10.   Hashimoto teaches of determining whether or not image data resulting from encoding the RAW image data exists, wherein if the resultant image data does not exist, the control unit controls the first output unit to output the RAW image data, wherein if the resultant image data does exist, the control unit decodes the resultant image data into RAW image data, and controls the first output unit to output the decoded RAW image data (Paragraphs 0149-0150. Determine if data is compressed. If compressed, data is converted to raw image data and printed.).

11.   It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to determine whether or not image data resulting from encoding the RAW image data exists, wherein if the resultant image data does not exist, the control unit controls the first output unit to output the RAW image data, wherein if the resultant image data does exist, the control unit decodes the

resultant image data into RAW image data, and controls the first output unit to output the decoded RAW image data.   The motivation for the suggested combination is that Hashimoto's teachings would improve Hidaka's teachings by enabling processing of images in different formats and enable uncompressing of data for printing.

12.   Kobayashi teaches of multifunctional machine that deletes a first type of page data from the corresponding page management record in response to completion of the references by both the first and second output units to the first type of page data, wherein if a second output unit is not referring to the RAW image data of which a output unit completes an output, a control unit deletes the RAW image data of which the first output unit completes the output. (Paragraph 0234. Delete image data upon end of all processes. Paragraphs 0231; 0233. Processes include printing and sending a fax.).

13.   It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to delete a first type of page data from the corresponding page management record in response to completion of the references by both the first and second output units to the first type of page data, wherein if the second output unit is not referring to the RAW image data of which the output unit completes an output, a control unit deletes the RAW image data of which the first output unit completes the output. The motivation for the suggested combination is that Kobayashi's teachings would improve the suggested system by freeing memory space. Furthermore, Kobayashi's teachings would improve the suggested system by dealing with documents with higher efficiency and providing a multifunctional machine that provides sophisticated operational usability (Paragraphs 0022; 0023).

14.   As per claim 22, Hidaka teaches substantially the invention as claimed including a data processing method for output-processing image data for respective pages, comprises:

     a page data management step which includes at least the steps of:

creating page management records corresponding to respective pages of RAW image data from plural pages canned by an image reader (Paragraphs 0228; 0289 . Scan document with plurality of pages. "sheet being left". Paragraphs 0181; 0289; 0297; 0493. Management data of stored image files.);

generating a first type of page data for management for one page of the RAW image data and a second type of page data for management for image data generated by encoding said one page of the RAW image data, in the respective of the page management records (Paragraph 0270. Receive scan data to the format of a TIFF file. Paragraph 0246. Compress scan data into JPEG.);

managing respective output processes by a first output step and a second output step referring to the created page management records (Paragraphs 0026; 0210. Print scan data. Paragraph 0493. Output management information to terminal.), and

a control step which includes at least the steps of:

monitoring the completion of storing the RAW image data scanned by the image reader in a memory (Paragraph 0237. Execute step upon receiving scan data.),

encoding the RAW image data in response to completion of storing (Paragraph 0246. Compress scan data into JPEG.).

15.   Hidaka does not explicitly teach deleting the first type of page data from the corresponding page management record in response to completion of the references by both the first and second output steps to the first type of page data; and determining whether or not image data resulting from encoding the RAW image data exists, wherein if the resultant image data does not exist, the control unit controls the first output unit to output the RAW image data,wherein if the resultant image data does exist, the control unit decodes the resultant image data into RAW image data, and controls the first output unit to output the decoded RAW image data, and wherein if the second output step is not referring to the RAW image data of which the first output step completes an output, the control step deletes the RAW image data of which the first output step completes the output.

16.   Hashimoto teaches of determining whether or not image data resulting from encoding the RAW image data exists, wherein if the resultant image data does not exist, the control unit controls the first output unit to output the RAW image data, wherein if the resultant image data does exist, the control unit decodes the resultant image data into RAW image data, and controls the first output unit to output the decoded RAW image data (Paragraphs 0149-0150. Determine if data is compressed. If compressed, data is converted to raw image data and printed.).

17.   It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to determine whether or not image data resulting from encoding the RAW image data exists, wherein if the resultant image data does not exist, the control unit controls the first output unit to output the RAW image data, wherein if the resultant image data does exist, the control unit decodes the resultant image data into RAW image data, and controls the first output unit to output the decoded RAW image data.   The motivation for the suggested combination is that Hashimoto's teachings would improve Hidaka's teachings by enabling processing of images in different formats and enable uncompressing of data for printing.

18.   Kobayashi teaches of multifunctional machine that deletes a first type of page data from the corresponding page management record in response to completion of the references by both the first and second output units to the first type of page data, wherein if a second output unit is not referring to the RAW image data of which a output unit completes an output, a control unit deletes the RAW image data of which the first output unit completes the output. (Paragraph 0234. Delete image data upon end of all processes. Paragraphs 0231; 0233. Processes include printing and sending a fax.).

19.   It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to delete a first type of page data from the corresponding page management record in response to completion of the references by both the first and second output units to the first type of page data, wherein if the second output unit is not referring to the RAW image data of which the

output unit completes an output, a control unit deletes the RAW image data of which the first output unit completes the output. The motivation for the suggested combination is that Kobayashi's teachings would improve the suggested system by freeing memory space. Furthermore, Kobayashi's teachings would improve the suggested system by dealing with documents with higher efficiency and providing a multifunctional machine that provides sophisticated operational usability (Paragraphs 0022; 0023).

20.　　　As per claim 21, Hashimoto teaches the data processing apparatus according to claim 20, wherein the first output unit is a printer (Paragraphs 0026; 0210. Print scan data.). Hashimoto does not specifically teach that the second output unit is a FAX.

21.　　　Kobayashi teaches of multifunctional machine that comprises a printer and FAX (Paragraphs 0231; 0233. Processes include printing and sending a fax.).

22.　　　It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings for the second output unit to be FAX. The motivation for the suggested combination is that Kobayashi's teachings would improve the suggested system by dealing with documents with higher efficiency and reducing space by providing a machine with both a scanning unit and a printing unit (Paragraphs 0022; 0023).

23.　　　As per claim 23, Hashimoto teaches the data processing method according to claim 22, wherein the first output step is a printer (Paragraphs 0026; 0210. Print scan data.). Hashimoto does not specifically teach that the second output step is a FAX.

24.　　　Kobayashi teaches of multifunctional machine that comprises a printer and FAX (Paragraphs 0231; 0233. Processes include printing and sending a fax.).

25.   It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings for the second output unit to be FAX. The motivation for the suggested combination is that Kobayashi's teachings would improve the suggested system by dealing with documents with higher efficiency and reducing space by providing a machine with both a scanning unit and a printing unit (Paragraphs 0022; 0023).

Conclusion

26.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

27.   A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

28.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA JOO whose telephone number is 571 272-3966. The examiner can normally be reached on Monday to Friday 7 to 4.

29.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on 571 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

30.   Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be obtained

from either Private PAIR or Public PAIR. Status information for unpublished applications is available

through Private PAIR only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

/J. J./
Examiner, Art Unit 2454

/Nathan J. Flynn/

Supervisory Patent Examiner, Art Unit 2454